

Ladies and Gentlemen of the House of Representatives, greetings from a farmer and rancher from Power, MT,

If it walks like a duck, quacks like a duck, it is a horse, a Trojan Horse in the guise of a privately owned foreign company coming into Montana using 161 million dollars of Economic Stimulus money to take our private property for their benefit and now wants to change our laws for their benefit and profit. How is this helping Montana with job recovery when it is being used to pay leases, damages, lawsuits and lawyers in Canada and Montana? And now add lobbyists for HB 198!

HB 198, is intended to take away the last obstacle a company has to acquire property a landowner has, eminent domain. Eminent Domain simply put, gives the government the right to take your private property for the good of the public.

HB 198 would allow any private, foreign or public company to come in and say "I want this piece of ground for my project, you have nothing to say about it, I have my permits, I am going to give you less so I can have more". That about sums up what HB 198 is going to do to the private property owner.

I stand before you today as a landowner who does not want eminent domain at all, but it is in our state constitution to give fair compensation to the landowner when their property is in the path of a public use, so we abide by our laws. Now we are here to ask you, our lawmakers, to leave our Eminent Domain laws as written, they have been in our State Constitution since 1877 and revised since, it does not need amended.

HB 198 would leave every landowner vulnerable to any group, private, public or foreign, bulldozing their way on private property with no recourse. Who is protecting landowner rights? This bill will strip the private landowner of any rights we had. We should not be changing our laws to make it simpler for any investment group, be they private or public or foreign.

My grandchildren are the 6th generation on our farm and ranch, (4 generations live on this place at this time) many things have come and gone in the last 102 years on this place but the land has remained constant. It is our livelihood and our legacy for future generations, it is our responsibility to take the best care and use of the land.

Last summer we were threatened with Eminent Domain by the representatives of the Montana Alberta Tie Line, MATL for short, because we refused to sign any of their documents, we had not been given sufficient information on the project and our questions to them had gone unanswered. The surveyors MATL hired were caught trespassing, they were turned in and the case is sitting on the County Attorney's desk, with the ever growing pile of complaints. When we confronted the MATL representatives were informed they had every right to be on our property to do their studies because they had the blessing of our Montana government officials! How arrogant, our Montana government officials are you, you, and you, did you give this company your blessing to trespass and take away my property rights?

This company wants to place 40 to 50 poles, yes 40 to 50 poles on our property for eternity,

we have no say on the placement of these poles, and we will have to deal with these obstacles and all that goes with the poles forevermore. To give you a perspective on these poles, the monopoles are metal and buried and cemented in the ground approximately twenty feet deep, they rise above the ground 120 to 160 feet, two adults cannot wrap their arms around them, they are placed approximately 900 to 1100 feet apart, there are also H-poles which are wooden and guide wires are used where needed.

Do you think they are easy to farm and work around in the middle of a field, are aesthetically pleasing to the eye and an enhancement of the landscape?

Do you think there are any hazards with 230 kilovolts or more of electricity humming over our heads, our children's or grandchildren's heads? How about the livestock and wildlife that roam on the land or fly in the air?

And we do not have a say in any of this, because this is for the good of the people, which people? Not one watt of this electricity is going to be used by Montanans, but sold to out of state utilities. And my rights are taken from me for the good of not my neighbors or myself but for profits for another country.

Ninth Judicial District Judge Laurie McKinnon ruled in December of 2010, that MATL L.L.P. did not have the right to use Eminent Domain because the Legislature's grant of eminent domain power to governmental bodies needed to be strictly construed and private individuals and corporations have no inherent power of eminent domain. Now HB 198 surfaced and if passed will null and void Judge McKinnon's ruling and make way for MATL to condemn and seize our private property and make this law retroactive, how convenient. The MATL spokesperson made the comment after Judge McKinnon's ruling he was not concerned about the turn of events because it will be taken to the 2011 Montana State Legislature this session to be fixed. Do you want to be known and remembered as a foreign company's patsy?

Without private property use, no progress would be made, we understand that, but to take away the intent of Eminent Domain with HB 198, every and any group, private, public or foreign, would be able to take what they want with seizure and condemnation with no respect or fair compensation for the landowner.

This is a bitter pill to be swallowed when everything you have worked hard for is devalued because of the wants and needs of others and you are powerless to stop it.

HB 198 is not in the best interest of me, my family, my land or my state. Please vote NO to HB 198.

Thank you for your time.

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